

REMARKS

In the Office Action mailed July 27, 2006, the Examiner noted that claims 1-24 were pending, and rejected claims 1-24. Claim 10 has been amended, claim 8 has been canceled and, thus, in view of the forgoing claims 1-7 and 9-24 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Action, the Examiner asserts "The allowability of claims 8, 10-12, and 19-21 has been withdrawn in view of the newly discovered reference(s) to Kazui et al". Clarification of this basis is respectfully requested. Kazui 5,642,174) was cited and used in rejecting the claims (claims 1-7, 9, 13-18, 22 and 23) as far back as the Office Action that was mailed on November 4, 2004 in which claims 8, 10-12, and 19-21 were indicated as allowable over Kazui. The Examiner is specifically requested to provide comments about how the previously allowable claims and/or the prior art have changed in interpretation.

In the Action the Examiner issued a provisional double patenting rejection. Without conceding the correctness of the provisional rejection, claim 8 has been cancelled.

Pages 3-9 of the Office Action rejects all claims under 35 U.S.C. § 103 over Meng and Kazui or with Acampora.

First, the Examiner is requested to clarify the rejection over Official Notice. The Official Notice based rejections appear to not address the features of the claims. For example, the Examiner seems to believe that claim 16 is about storing on a hard drive or computer readable medium. Claim 16 says nothing about this. As another example, in making the rejection of claim 11 using Official Notice, the Examiner appears believe that claim 11 is about storing in a storing means. The Examiner appears to be ignoring that the storing occurs when "the first and the second information of a frame within a frame group which satisfies a condition that the number of bidirectionally predicted regions in consecutive frames are small." The other Official Notice based rejections contain similar errors. For at least these reasons, the Office Action has failed to establish a case of *prima facie* unpatentability, in view of alleged Official Notice evidence. Based on the reasons presented above showing the errors in the Office Action's rejection, applicants respectfully request (i.e., Demand) that references teaching or suggesting the alleged well known Officially Noted evidence and an Examiner's affidavit describing the knowledge of the Examiner relied on specifically in relation to these claims be presented in the next Office Action.

In rejecting claim 1 over the combination of Meng and Kazui the Examiner asserted "Kazui teaches the use of the number of bidirectionally predicted regions for use in determining a scene change". In this context the Examiner appears to be ignoring a significant feature of claim 1 as noted below with underlining:

an information collecting unit collecting first information about a motion vector for each frame from moving image data which is compressed with inter-frame prediction encoding, and for also collecting second information about a correlation with a preceding/succeeding frame without decoding an image for each frame;
calculating a value of an evaluation function which includes the first and the second information collected by said information collecting unit as parameters only for a frame within a frame group which satisfies a condition that the numbers of bidirectionally predicted regions in consecutive frames are small; and
a scene change determining unit determining a scene change by making a comparison between the value of the evaluation function, which is calculated by said evaluation function calculating unit, and a threshold value.

Kazui does not teach or suggest this feature. Nor does Acampora or Meng teach or suggest this feature.

Independent claims 15, 19, 23 and 24 also emphasize a similar feature.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 6 emphasizes that the header information includes correlation information ("wherein said information collecting unit collects the second information about a correlation with a frame preceding/succeeding each frame from first header information"). The Examiner asserts that this is found in Acampora. This is not correct. The Examiner is requested to specifically point out where in Acampora correlation is discussed much less where correlation information being found in header information is discussed. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of the statutes. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

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If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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